

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KIM MELINE, individually and as Personal  
Representative of the Estate of ROBERT  
MELINE,

Plaintiffs,

v.

OPTUMHEALTH CARE SOLUTIONS,  
INC., a for-profit Minnesota corporation;  
JEFFREY FONG, individually; TRACI  
DRAKE, individually; and SANDRA  
KARLSVIK, individually,

Defendants.

Case No. 3:15-cv-05780-RBL

**DECLARATION OF BARBARA J.  
DUFFY IN SUPPORT OF  
OPPOSITION TO MOTION TO  
REMAND**

**NOTED ON MOTION CALENDAR:  
NOVEMBER 20, 2015**

I, Barbara J. Duffy, declare under penalty of perjury as follows:

1. I am a Shareholder at Lane Powell, PC, attorneys for Defendant in the above-entitled action, I am over the age of majority and have personal knowledge of the facts stated herein and am competent to testify.

2. Attached hereto as **Exhibit A** is a true and correct copy of the docket for the case captioned *Kim Meline, Individually and as the Personal Representative of the Estate of Robert Meline v. Comprehensive Life Resources f/k/a Comprehensive Mental Health, a Washington Corporation; State of Washington, Department of Social and Health Services; and Jonathan Meline*, currently pending in Pierce County Superior Court, Cause No.: 13-2-13022-5 (hereinafter "the State Court Action"). Plaintiff did not file a motion to amend her Complaint

DECLARATION OF BARBARA J. DUFFY IN SUPPORT OF  
OPPOSITION TO MOTION TO REMAND - 1  
NO. 15-05780 RBL

LANE POWELL PC  
1420 FIFTH AVENUE, SUITE 4200  
P.O. BOX 91302  
SEATTLE, WA 98111-9402  
206.223.7000 FAX: 206.223.7107

1 in the State Court Action to add Jeffrey Fong, Ph.D., Traci Drake, Ph.D., and/or Sandra  
2 Karlsvik, M.D. as defendants.

3 3. Attached hereto as **Exhibit B** is a true and correct copy of the Order Compelling  
4 Production of Healthcare and Mental Health Records dated February 14, 2014, entered in the  
5 State Court Action and correspondence from Plaintiff's counsel to Western State Hospital dated  
6 February 20, 2014.

7 4. Attached hereto as **Exhibit C** is a true and correct copy of redacted excerpts  
8 from the Western State Hospital records for Jonathan Meline. The content of the records has  
9 been redacted except the identity of the health care provider who authored the record in an  
10 effort to protect the confidentiality of a non-party's health care information.

11 5. Attached hereto as **Exhibit D** is a true and correct copy of Plaintiff's Second  
12 Amended Complaint filed in the State Court Action.

13 6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts of DSHS's  
14 answers to Interrogatories and Requests for Production served in the State Court Action.

15 7. Attached hereto as **Exhibit F** is a true and correct copy of excerpts of DSHS's  
16 Primary Witness Disclosure served in the State Court Action.

17 8. Attached hereto as **Exhibit G** is a true and correct copy of excerpts of DSHS's  
18 Answer to Plaintiff's Second Amended Complaint filed in the State Court Action. Plaintiff did  
19 not file a motion to amend her Complaint in the State Court Action to add United Behavioral,  
20 Inc. and/or OptumHealth Care Solutions, Inc.

21 I declare under penalty of perjury under the laws of the State of Washington and the  
22 United States of America that the foregoing is true and correct to the best of my knowledge.

23 DATED this 16<sup>th</sup> day of November 2015.

24  
25 s/Barbara J. Duffy  
26 Barbara J. Duffy  
27

DECLARATION OF BARBARA J. DUFFY IN SUPPORT OF  
OPPOSITION TO MOTION TO REMAND - 2  
NO. 15-05780 RBL

115616.0044/6488598.1

LANE POWELL PC  
1420 FIFTH AVENUE, SUITE 4200  
P.O. BOX 91302  
SEATTLE, WA 98111-9402  
206.223.7000 FAX: 206.223.7107

**CERTIFICATE OF SERVICE**

Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 16<sup>th</sup> day of November, 2015, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

John R. Connelly, Jr.  
Nathan P. Roberts  
Connelly Law Offices, PLLC  
2301 North 30th Street  
Tacoma, WA 98403  
Email: [jconnelly@connelly-law.com](mailto:jconnelly@connelly-law.com)  
[nroberts@connelly-law.com](mailto:nroberts@connelly-law.com)

Executed on the 16<sup>th</sup> day of November, 2015, at Seattle, Washington.

  
Janet Wiley, Legal Assistant

DECLARATION OF BARBARA J. DUFFY IN SUPPORT OF  
OPPOSITION TO MOTION TO REMAND - 3

LANE POWELL PC  
1420 FIFTH AVENUE, SUITE 4200  
P.O. BOX 91302  
SEATTLE, WA 98111-9402  
206.223.7000 FAX: 206.223.7107

# **EXHIBIT A**

**Pierce County Superior Court Civil Case 13-2-13022-5**

Case Title: KIM MELINE VS. JONATHAN MELINE  
Case Type: Tort - Other  
Access: Public  
Track Assignment: Standard  
Jury Size: 12  
Estimated Trial Length: 12 day s  
Dept Judge: **17 RONALD E. CULPEPPER**  
Resolution:  
Completion:

**Litigants**

Name	Type	Status	Bar Number
<b>MELINE, KIM</b>	Plaintiff		
Attorneys for MELINE, KIM	Type		
<b><u>JOHN ROBERT CONNELLY JR</u></b>	Atty for Plaintiff/Petitioner		12183
<b><u>Nathan Paul Roberts</u></b>	Atty for Plaintiff/Petitioner		40457
<b>MELINE, ROBERT</b>	Plaintiff		
Attorneys for MELINE, ROBERT	Type		
<b><u>JOHN ROBERT CONNELLY JR</u></b>	Atty for Plaintiff/Petitioner		12183
<b><u>Nathan Paul Roberts</u></b>	Atty for Plaintiff/Petitioner		40457
<b>MELINE, JONATHAN</b>	Defendant		
<b>COMPREHENSIVE LIFE RESOURCES</b>	Defendant		
Attorneys for COMPREHENSIVE LIFE RESOURCES	Type		
<b><u>JOAN KRISTINE MELL</u></b>	Atty for Defendant		21319
<b><u>CHRISTOPHER W. KEAY</u></b>	Atty for Defendant		13143
<b><u>Katherine Anne Bozzo</u></b>	Atty for Defendant		42899
<b>DEPARTMENT OF SOCIAL AND HEALTH SERVICES</b>	Defendant		
Attorneys for DEPARTMENT OF SOCIAL AND HEALTH SERVICES	Type		
<b><u>JOSEPH MICHAEL DIAZ</u></b>	Atty for Defendant		16170
<b><u>SALLY BRIGGS LEIGHTON</u></b>	Atty for Defendant		12156

**Filings**

Filing Date	Filing	Access	Pages	Microfilm
09/25/2013	FILING FEE RECEIVED \$240.00	Public	0	
09/25/2013	CASE INFORMATION COVER SHEET	Public	1	
09/25/2013	ORDER SETTING ORIGINAL CASE SCHEDULE	Public	1	
09/25/2013	SUMMONS	Public	2	
09/25/2013	COMPLAINT	Public	3	
10/04/2013	REASSIGNED TO DEPT 6	Public	1	
11/07/2013	CONFIRMATION OF SERVICE PARTIES TO BE SERVED	Public	1	
11/19/2013	CONFIRMATION OF SERVICE	Public	1	
11/19/2013	SHERIFF'S RETURN ON SERVICE	Public	1	
12/19/2013	REASSIGNMENT LETTER	Public	1	
01/07/2014	NOTE FOR JUDGES MOTION CALENDAR	Public	2	
01/07/2014	MOTION FOR PROTECTIVE ORDER	Public	6	
01/07/2014	DECLARATION OF NATHAN P ROBERTS	Public	8	
01/07/2014	AFFIDAVIT/DECLARATION OF SERVICE	Public	2	
01/08/2014	MOTION FOR DEFAULT	Public	2	
01/08/2014	DECLARATION OF NATHAN P ROBERTS	Public	4	
01/08/2014	ORDER OF DEFAULT	Public	2	
01/15/2014	REASSIGNMENT LETTER	Public	1	
01/17/2014	LETTER FROM ATTORNEY	Public	2	
01/24/2014	CLERK'S MINUTE ENTRY	Public	2	
02/06/2014	NOTE FOR JUDGES MOTION CALENDAR	Public	2	
02/06/2014	NOTICE OF COMPULSORY PROCESS	Public	2	
02/06/2014	NOTICE OF COMPULSORY PROCESS	Public	2	
02/06/2014	AFFIDAVIT/DECLARATION OF SERVICE	Public	2	
02/06/2014	MOTION FOR PROTECTIVE ORDER *RENEWED*	Public	1	
02/06/2014	AFFIDAVIT/DECLARATION OF SERVICE	Public	2	
02/14/2014	CLERK'S MINUTE ENTRY	Public	2	
02/14/2014	PROTECTIVE ORDER (RE: CONFIDENTIAL DISCOVERY DOCUMENTS, NOT RELATED)	Public	2	

04/02/2014	JURY DEMAND - 12	Public 1
04/02/2014	LETTER FROM DEPARTMENT 11	Public 1
04/18/2014	REASSIGNMENT LETTER	Public 1
08/20/2014	SUMMONS	Public 2
08/20/2014	AMENDED COMPLAINT	Public 10
08/26/2014	AFFIDAVIT/DECLARATION OF SERVICE	Public 2
08/28/2014	NOTICE OF APPEARANCE	Public 1
10/01/2014	NOTICE OF APPEARANCE	Public 2
10/21/2014	SUMMONS	Public 2
10/21/2014	AMENDED COMPLAINT	Public 11
10/29/2014	AFFIDAVIT/DECLARATION OF SERVICE	Public 2
10/29/2014	NOTICE OF APPEARANCE	Public 3
11/03/2014	ANSWER TO SECOND AMENDED COMPLAINT	Public 7
11/14/2014	ANSWER AND AFFIRMATIVE DEFENSE	Public 10
11/17/2014	NOTE FOR JUDGES MOTION CALENDAR	Public 2
11/17/2014	AGREED MOTION TO CHANGE TRIAL DATE	Public 2
11/26/2014	NOTICE OF ABSENCE/UNAVAILABILITY	Public 2
12/03/2014	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3
12/10/2014	DECLARATION OF CHRISTOPHER KEAY	Public 2
12/16/2014	DECLARATION OF JOSEPH DIAZ	Public 3
12/19/2014	NOTICE OF ABSENCE/UNAVAILABILITY	Public 2
01/08/2015	NOTE FOR JUDGES MOTION CALENDAR	Public 2
01/08/2015	MOTION TO CONTINUE TRIAL DATE	Public 3
01/08/2015	DECLARATION OF JOSEPH M. DIAZ	Public 3
01/16/2015	ORDER AMENDING CASE SCHEDULE	Public 2
01/16/2015	ORDER FOR CONTINUANCE OF TRIAL DATE	Public 4
02/27/2015	NOTE FOR JUDGES MOTION CALENDAR	Public 2
02/27/2015	NOTE FOR JUDGES MOTION CALENDAR	Public 2
02/27/2015	MOTION FOR SUMMARY JUDGMENT	Public 7
02/27/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3
03/05/2015	NOTICE OF ASSOCIATION OF COUNSEL	Public 3
03/23/2015	DECLARATION OF CSABA HEGYVARY MD	Public 9
03/23/2015	RESPONSE IN OPPOSITION	Public 13
03/23/2015	STIPULATION RE ELECTRONIC SERVICE	Public 3
03/25/2015	NOTE FOR JUDGES MOTION CALENDAR	Public 2
03/25/2015	PLAINTIFFS' MOTION FOR CR 11 SANCTIONS	Public 14
03/31/2015	LETTER FROM DEPARTMENT 15	Public 1
03/31/2015	REASSIGNED TO DEPT 15	Public 1
04/01/2015	RESPONSE IN OPPOSITION TO MOTION	Public 11
04/01/2015	DECLARATION OF KATHERINE BOZZO	Public 18
04/01/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3
04/01/2015	LETTER FROM DEPARTMENT 2	Public 1
04/01/2015	REASSIGNED TO DEPT 2	Public 1
05/07/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3
05/08/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 2
05/13/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3
05/19/2015	NOTE FOR JUDGES MOTION CALENDAR	Public 2
05/19/2015	MOTION FOR EXTENSION OF PROTECTIVE ORDER	Public 6
05/19/2015	DECLARATION ISO DEFS MOTION FOR PROTECTIVE ORDER	Public 10
06/05/2015	ORDER EXTENDING PROTECTIVE ORDER	Public 2
07/06/2015	REASSIGNMENT LETTER	Public 1
07/07/2015	AFFIDAVIT/DECLARATION OF SERVICE	Public 2
07/28/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3
07/28/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3
08/10/2015	DISCLOSURE OF WITNESSES	Public 35
09/24/2015	DISCLOSURE OF REBUTTAL WITNESSES	Public 4
10/22/2015	NOTE FOR JUDGES MOTION CALENDAR	Public 2
10/22/2015	MOTION TO CHANGE TRIAL DATE	Public 9
10/22/2015	DECLARATION OF JENNIFER VEAL	Public 81
10/22/2015	JOINDER IN MTN TO ADJUST TRIAL DATE	Public 3
10/22/2015	DECLARATION OF KATHERINE A. BOZZO	Public 4
10/28/2015	RESPONSE TO MOTION TO CONTINUE TRIAL DATE	Public 9
10/28/2015	LETTER FROM DEPARTMENT 17	Public 1

10/28/2015	REASSIGNED TO DEPT 17	Public 1
10/29/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3
10/30/2015	CLERK'S MINUTE ENTRY	Public 2
10/30/2015	ORDER FOR CONTINUANCE OF TRIAL DATE	Public 2
10/30/2015	ORDER AMENDING CASE SCHEDULE	Public 2
11/05/2015	NOTICE OF ABSENCE/UNAVAILABILITY	Public 3



**PURCHASE COPIES**

**Proceedings**

Date	Calendar	Outcome
01/08/2014	C4 - EXPARTE CALENDAR (Rm. JC1 ) Confirmed 2:17 Exparte Action	Held
01/24/2014	JUDGE MCCARTHY (Rm. 323 ) Confirmed 9:00 Motion(Other: MOTION FOR A QUALIFIED PROTECTIVE ORDER & ORDER COMPELLING PRODUCTION OF HEALTHCARE AND MENTAL HEALTH RECORDS) Scheduled By: Lorraine Kapau	Motion Held
02/14/2014	JUDGE MCCARTHY (Rm. 323 ) Confirmed 9:00 Motion(Other: RENEWED MOTION FOR PROTECTIVE ORDER) Scheduled By: Lorraine Kapau	Motion Held
05/07/2014	DEPT 12 - JUDGE AREND (Rm. 217A) Unconfirmed 12:00 Status Conference	Cancelled/Stricken
12/05/2014	DEPT 16 - JUDGE MARTIN (Rm. 531 ) Unconfirmed 9:00 Motion - Adjust Trial Date Scheduled By: Lorraine Kapau	Cancelled - Not Confirmed
01/16/2015	DEPT 16 - JUDGE MARTIN (Rm. 531 ) Confirmed 9:00 Motion - Adjust Trial Date Scheduled By: JOSEPH DIAZ	Motion Held
03/04/2015	DEPT 06 - JUDGE NEVIN (Rm. 211A) Unconfirmed 12:00 Pretrial Conference	Cancelled/Stricken
03/25/2015	DEPT 16 - JUDGE MARTIN (Rm. 531 ) Confirmed 9:00 Trial	Cancelled/Amend Case Sched
03/27/2015	DEPT 16 - JUDGE MARTIN (Rm. 531 ) Unconfirmed 9:00 Motion - Summary Judgment Scheduled By: Krystle Bonnes	Cancel via Web-Rescheduled
04/03/2015	DEPT 16 - JUDGE MARTIN (Rm. 531 ) Unconfirmed 9:00 Motion - Summary Judgment Scheduled By: Krystle Bonnes	Cancel via Web-Issue resolved
04/03/2015	DEPT 02 - JUDGE STOLZ (Rm. 214A) Unconfirmed 9:00 Motion(Other: PLAINTIFFS' MOTION FOR CR 11 SANCTIONS) Scheduled By: Lorraine Kapau	Cancel via Web-Issue resolved
06/05/2015	DEPT 02 - JUDGE STOLZ (Rm. 214A) Confirmed 9:00 Motion(Other: EXTENSION OF PROTECTIVE ORDER) Scheduled By: Sandi Larson	Ex-Parte w/ Order Held
06/16/2015	DEPT 16 - JUDGE MARTIN (Rm. 531 ) Unconfirmed 12:00 Status Conference	Cancelled/Stricken
10/30/2015	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 9:00 Motion(Adjust Trial Date) Scheduled By: Karen Becker	Motion Held
01/05/2016	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Unconfirmed 12:00 Pretrial Conference	Cancelled/Amend Case Sched
01/19/2016	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Confirmed 9:00 Trial	Cancelled/Amend Case Sched
04/04/2016	DEPT 17 - JUDGE CULPEPPER (Rm. 210A) Unconfirmed 12:00 Status Conference	

10/24/2016 DEPT 17 - JUDGE CULPEPPER (Rm. 210A)  
Unconfirmed 12:00 Pretrial Conference

11/07/2016 DEPT 17 - JUDGE CULPEPPER (Rm. 210A)  
Confirmed 9:00 Trial

#### Pending Case Schedule Items

Event	Schedule Date
Confirmation of Service	12/07/2015
Confirmation of Joinder of Parties, Claims and Defenses	03/07/2016
Jury Demand	03/14/2016
Status Conference	04/04/2016
Plaintiff's/Petitioner's Disclosure of Primary Witnesses	05/02/2016
Defendant's/Respondent's Disclosure of Primary Witnesses	05/30/2016
Disclosure of Rebuttal Witnesses	07/18/2016
Deadline for Filing Motion to Adjust Trial Date	08/15/2016
Discovery Cutoff	09/19/2016
Exchange of Witness and Exhibit Lists and Documentary Exhibits	10/03/2016
Deadline to file Certificate or Declaration re: Alternative Dispute Resolution	10/10/2016
Deadline for Hearing Dispositive Pretrial Motions	10/10/2016
Joint Statement of Evidence	10/10/2016
Pretrial Conference	10/24/2016
Trial	11/07/2016

#### Judgments

Cause #	Status	Signed	Effective	Filed
This calendar lists Confirmed and Unconfirmed Proceedings. Attorneys may <b>obtain access rights</b> to confirm/strike selected proceedings. Currently, any proceedings for the Commissioners' calendars can be stricken, but only Show Cause proceedings for the Commissioners' calendars can be confirmed.			Unconfirmed Proceedings will not be heard unless confirmed as required by <b><u>the Local Rules of the Superior Court for Pierce County</u></b> .	

- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
- Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
- The names provided in this calendar cannot be associated with any particular individuals without individual case research.
- Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Monday November 16, 2015 11:47AM

#### WEBSITE INFORMATION

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# **EXHIBIT B**

2-11-13  
387354  
**CONNELLY LAW OFFICES, PLLC**

John R. Connelly, Jr.  
Lincoln C. Beauregard  
Micah R. LeBank  
Nathan P. Roberts  
Anna L. Price  
Julie A. Kays  
Amanda M. Searle



2301 North 30<sup>th</sup> Street  
Tacoma, WA 98403  
Toll Free: (855) 593-5100  
Tacoma: (253) 593-5100  
Seattle: (206) 816-3002  
Fax: (253) 593-0380  
www.connelly-law.com

February 20, 2014

*Via First Class Mail  
& Via Electronic Mail*

Western State Hospital  
9601 Steilacoom Blvd SW  
Tacoma, WA 98498  
wshinfo@dshs.wa.gov

**RE: Records of Jonathan R. Meline**

To Whom It May Concern:

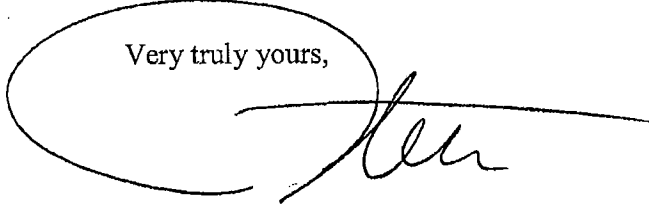
Pursuant to the enclosed Court Order, please produce copies of the following records to our office as soon as possible:

Patient: Jonathan Robert Meline  
DOB: 09/07/1983  
Records: All Records

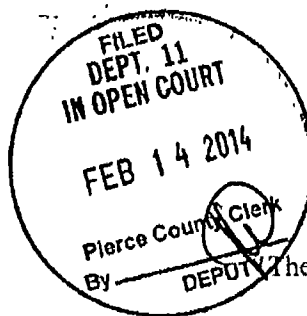
The Court Order requires these records to be produced no later than fourteen (14) days from the date of this request. Failure to comply may be deemed contempt of Court.

We thank you in advance for your cooperation. Please don't hesitate to call should you have any questions, or should you anticipate any difficulty complying with this request within the time allotted.

Very truly yours,

  
Nathan P. Roberts

NPR:llk  
Enclosure



SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

KIM MELINE, individually, and as Personal  
Representative of the Estate of ROBERT  
MELINE;

Plaintiff,

v.

JONATHAN MELINE, individually,

Defendant.

NO. 13-2-13022-5

**PROTECTIVE ORDER & ORDER  
COMPELLING PRODUCTION OF  
HEALTHCARE AND MENTAL  
HEALTH RECORDS**

THIS MATTER having come before the above-entitled Court upon the Plaintiff's Motion for a Qualified Protective Order, and the Court having reviewed the records including Plaintiff's Motion and noting the proper advanced notice provided pursuant to RCW 70.02.060, and the absence of response or objection.

THEREFORE, it is hereby, ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for a Qualified Protective Order is GRANTED.

It is further ORDERED, ADJUDGED, AND DECREED that, upon receipt of a written request, subpoena, or other compulsory process, the recipient of said request shall promptly convey, within fourteen (14) days, to Plaintiff's attorneys at Connelly Law Offices,

PROTECTIVE ORDER - 1 of 2  
(Cause No. 13-2-13022-5)

**CONNELLY LAW OFFICES, PLLC**

2301 North 30th Street  
Tacoma, WA 98403  
(253) 593-5100 Phone - (253) 593-0380 Fax

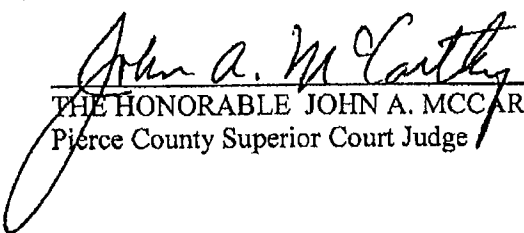
70 2/20/2014 00219

1 PLLC, any and all records requested, including otherwise protected health care information  
 2 and mental health care information pertaining to Johnathan R. Meline, DOB 09/07/1983, from  
 3 the following mental health providers:

- 4 1. Western State Hospital and the Department of Social and Health Services; and
- 5 2. Comprehensive Life Resources, f/k/a Comprehensive Mental Health.

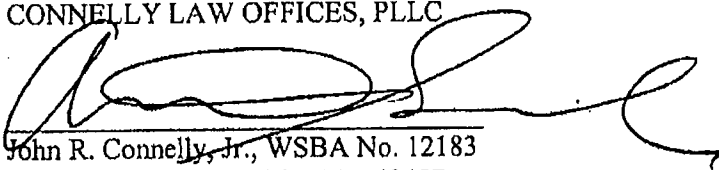
6 It is further ORDERED, ADJUDGED, AND DECREED that the use of such  
 7 information and records as may be provided pursuant to this order shall be limited to those  
 8 uses as are necessary for purposes of litigation.

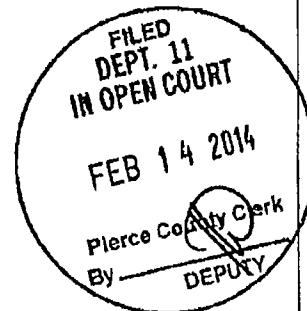
9 DONE IN OPEN COURT THIS 14 day of February, 2014.

10  
 11   
 12 THE HONORABLE JOHN A. MCCARTHY  
 13 Pierce County Superior Court Judge

14 Presented by:

15 CONNELLY LAW OFFICES, PLLC

16   
 17 John R. Connelly, Jr., WSBA No. 12183  
 18 Nathan P. Roberts, WSBA No. 40457  
 19 Amanda M. Searle, WSBA No. 42632  
 20 Attorneys for Plaintiffs



21 PROTECTIVE ORDER - 2 of 2  
 22 (Cause No. 13-2-13022-5)  
 23

CONNELLY LAW OFFICES, PLLC  
 2301 North 30th Street  
 Tacoma, WA 98403  
 (253) 593-5100 Phone - (253) 593-0380 Fax

Absolutely everything  
mailed 2-25-14

# **EXHIBIT C**





**Electronically Signed By:** DRAKE, TRACI L, PSYCHOLOGIST 4

**Electronically Signed On:** 1/4/2012 16:50

**TRx ID:** [REDACTED]

Do Not Write In This Space  
For Patient Identification Only



WESTERN STATE HOSPITAL  
Tacoma, WA 98498-7213

**PROGRESS RECORD**

WSH 23-55, (Rev. 9/01), PMS-Purple B/B





STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT

NO.

DECLARATION OF  
Jeffrey A. Fong, Ph.D.

Petitioners,

Respondent.

I, Jeffrey A. Fong, being over the age of eighteen years of age and competent to testify  
to the matters herein, do hereby declare and state as follows:

1.

2.

3.

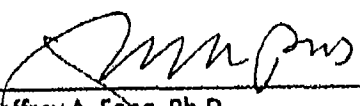
4.

DECLARATION OF Jeffrey A. Fong, PhD


ATTORNEY GENERAL OF WASHINGTON  
670 Woodland Square Loop SE  
PO Box 40124  
Olympia, WA 98504-0124  
(360) 459-6111

1 [REDACTED]  
2 I declare under penalty of perjury under the laws of the state of Washington that the  
3 above information is true and correct to the best of my knowledge.

4 DATED this January 6, 2012 at Tacoma, Pierce County, Washington.

5  
6   
7 Jeffrey A. Fong, Ph.D.  
8 Licensed Psychologist & Forensic (6358) Consultant  
9 Western State Hospital  
10 Lakewood, WA  
11  
12  
13  
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26

DECLARATION OF Jeffrey A. Fong, PhD

ATTORNEY GENERAL OF WASHINGTON  
670 Woodland Square Loop SE  
PO Box 40124  
Olympia, WA 98504-0124  
(360) 459-

# **EXHIBIT D**

E-FILED  
IN COUNTY CLERK'S OFFICE  
PIERCE COUNTY, WASHINGTON

October 21 2014 11:56 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 13-2-13022-5

SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

KIM MELINE, individually and as Personal  
Representative of the Estate of ROBERT  
MELINE;

Plaintiffs,

v.

COMPREHENSIVE LIFE RESOURCES f/k/a  
COMPREHENSIVE MENTAL HEALTH, a  
Washington Corporation; STATE OF  
WASHINGTON, DEPARTMENT OF SOCIAL  
AND HEALTH SERVICES; and JONATHAN  
MELINE, individually;

Defendants.

NO. 13-2-13022-5

**SECOND AMENDED COMPLAINT**

**I. INTRODUCTION**

COME NOW the above-named plaintiffs, by and through their attorneys of record,  
John R. Connelly, Jr. and Nathan P. Roberts of Connelly Law Offices, PLLC, and by way of  
claim aver and allege on personal knowledge as to themselves and their own actions, and on  
information and belief as to all other matters, as follows:

**II. PARTIES**

1. Robert Meline was a husband and father who was brutally murdered as a result  
of the carelessness and gross negligence described herein. Plaintiff Kim Meline is Robert

SECOND AMENDED COMPLAINT - 1 of 11  
(Cause No. 13-2-13022-5)

**CONNELLY LAW OFFICES, PLLC**  
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Tacoma, WA 98403  
(253) 593-5100 Phone - (253) 593-0380 Fax

1 Meline's surviving spouse and the duly-appointed Personal Representative of his Estate. She  
 2 brings claims on behalf of the Estate and its' beneficiaries, including Mr. Meline's four  
 3 surviving children.

4 2. Defendant Comprehensive Life Resources ("CLR"), f.k.a. Comprehensive  
 5 Mental Health, is a behavioral and mental healthcare provider located in Pierce County,  
 6 Washington. As set forth below, Defendant CLR failed to properly monitor, treat, and  
 7 medicate a dangerous mentally-ill psychiatric patient, leading to the death that is the subject  
 8 of this lawsuit.

9 3. Defendant State of Washington, Department of Social and Health Services  
 10 ("DSHS") is a department of the State of Washington. DSHS operates the inpatient  
 11 psychiatric facility known as Western State Hospital. Part of DSHS's job is to protect the  
 12 public from dangerous individuals with mental illnesses. As set forth below, DSHS was  
 13 grossly negligent and also bears responsibility for the tragedy underlying this case.

14 4. Defendant Jonathan Meline ("Defendant Meline") is a mentally ill individual  
 15 and a resident of the State of Washington.

### 16 III. VENUE & JURISDICTION

17 5. This Court has original subject matter jurisdiction pursuant to the Constitution  
 18 of the State of Washington, Art. 4 § 6.

19 6. Venue is proper in Pierce County pursuant to RCW 4.12.020 because the  
 20 events giving rise to this claim occurred in Pierce County.

### 21 IV. STATUTORY COMPLIANCE

22 7. More than sixty days prior to the filing of this Second Amended Complaint,  
 23 Plaintiffs filed a pre-suit Claim for Damages against the State of Washington, Department of

1 Social and Health Services.

2 8. Any prerequisites to the maintenance of this action imposed by RCW 4.92  
3 have accordingly been satisfied.

4 **V. FACTS**

5 9. This case involves the failure of the Department of Social and Health Services  
6 and Defendant Comprehensive Life Resources to properly treat, monitor, and medicate a  
7 dangerous, mentally-ill individual. Both DSHS and CLR knew the patient suffered from  
8 paranoid schizophrenia and was inclined to commit acts of violence in the community by  
9 virtue of his mental illness, yet they failed to familiarize themselves with the nature of his  
10 disease, failed to properly monitor his condition, and failed to provide the correct dosage of  
11 antipsychotic medication that was needed to prevent the patient from deteriorating and hurting  
12 or killing someone.

13 10. Both DSHS and CLR also knew that the patient had a unique type of delusion,  
14 a misidentification syndrome known as Capgras, which led him to believe that his parents  
15 were actually stepparents, "imposters" who had murdered his "real parents."

16 11. Both DSHS and Defendant CLR knew that the patient had made specific  
17 threats against his parents as a result of this delusion, yet neither DSHS nor CLR took steps to  
18 warn the patient's parents of the specific danger he posed to them if his condition went  
19 untreated. These failures were grossly negligent.

20 12. The patient was Jonathan Meline. Although Jonathan was born into a stable  
21 family and had a relatively normal childhood, mental illness began to set in during  
22 adolescence. By the time Defendant CLR accepted him as a patient, he had spent the prior  
23 decade bouncing in and out of jails and mental institutions, including Western State Hospital

1 (“WSH”), which is run by DSHS. Jonathan’s mental illness was well-documented, and he  
2 had been repeatedly diagnosed with paranoid schizophrenia. As a result he had been detained  
3 a number of times since 2004.

4 13. Jonathan’s mental illness made him violent and dangerous. He had a known  
5 history of such behavior, including assault, vehicular assault, threatening other drivers in  
6 traffic, and—as mentioned—threatening to kill his parents.

7 14. In October of 2010, Jonathan was admitted to the forensic unit of WSH as a  
8 result of an arrest that occurred in August 2010. As trial approached, DSHS conducted two  
9 separate forensic evaluations to assess Jonathan’s fitness to stand trial. Each evaluation  
10 indicated that Jonathan Meline was unfit for trial and that Jonathan was likely to engage again  
11 in violent acts in the future.

12 15. On August 19, 2011, Jonathan was readmitted to WSH. Upon readmission, his  
13 evaluating psychologist indicated that Jonathan presented with restricted affect and showed  
14 psychotic thought content and impaired judgment. By October 2011, his psychiatrist placed  
15 him on a new treatment regimen which consisted of intramuscular injections of antipsychotic  
16 medication (Risperdal Consta). The attending psychiatrist indicated that close observation  
17 would be critical in order to ensure that Jonathan did not exhibit symptoms of a relapse; he  
18 also warned that Jonathan was likely to engage in acts of violence if his mental illness  
19 destabilized. In fact, the treating psychiatrist specifically warned that Jonathan Meline should  
20 not be discharged from WSH without an evaluation by the County Designated Mental Health  
21 Professional (“CDMHP”) to assess his dangerousness.

22 16. Unfortunately, that close observation did not occur, the CDMHP assessment  
23 was never done, and Jonathan was granted less restrictive treatment and discharged by WSH

1 into the care of Defendant CLR. This was reckless and grossly negligent, and exposed  
2 Jonathan's parents, and the public in general, to unnecessary risk of violence.

3 17. A discharge from WSH for less restrictive treatment is conditioned on an  
4 agency accepting placement and assuming treatment responsibilities for the individual being  
5 discharged. Jonathan's discharge was no different. In Jonathan's Verification of Acceptance  
6 for Placement, Defendant CLR (and the assigned CLR case manager) expressly agreed to  
7 assume treatment responsibility for Jonathan Meline. By accepting placement and  
8 responsibility for Jonathan, Defendant CLR agreed to provide adequate medical treatment and  
9 case management services, and CLR agreed to accept responsibility for the important task of  
10 making sure Jonathan's illness did not deteriorate to the point where he would pose a risk of  
11 violence and harm to others.

12 18. Jonathan's less restrictive treatment discharge, in addition to the broad  
13 assumption of responsibility by CLR, also contained various specific conditions. The  
14 following is a non-exclusive list of these conditions: Jonathan was required to (1) reside at  
15 his parents' home, or other residence as approved by his CLR case manager; (2) follow all  
16 applicable rules and regulations, and allow the case manager to visit his place of residence at  
17 will; (3) participate in follow-up mental health care through CLR, and keep all appointments  
18 and follow treatment recommendations of his assigned CLR case manager or any other  
19 designated mental health care provider; and (4) take medications exactly as prescribed and  
20 cooperate with all laboratory work as requested.

21 19. Additionally, Jonathan was expressly required to refrain from any threats or  
22 acts of harm to self, others, or property; submit to requests made by case manager, prescriber,  
23 or other members of his treatment team from CLR; and maintain own health and safety in the



1 community and not substantially deteriorate in routine level of functioning.

2 20. Almost immediately upon discharge, Jonathan began breaching these and other  
3 express conditions of his release from WSH. Jonathan did not take his medication as  
4 prescribed and would miss medication appointments, which resulted in delayed injections.  
5 Missing medication appointments and failing to take medications as prescribed were both  
6 express breaches of the conditions upon which Jonathan was discharged, and this put  
7 Jonathan at extreme risk of destabilization and violence.

8 21. Furthermore, CLR expressly agreed to be responsible for the treatment of  
9 Jonathan. Instead of treating and monitoring a potentially violent paranoid schizophrenic who  
10 had been recently released, CLR allowed Jonathan to breach his conditional release and  
11 interact with society untreated and unmonitored.

12 22. As a result of receiving inadequate doses of antipsychotic medication,  
13 Jonathan's delusions returned, and he began threatening his parents, particularly his father.

14 23. Defendant CLR knew or should have known that Jonathan was likely to  
15 engage again in violent acts if his medications and treatment were not properly managed.  
16 Moreover, these threats of harm to others were clear breaches of Jonathan's less restrictive  
17 treatment conditions and should have been cause for alarm to the staff and treatment providers  
18 at CLR. Sadly, CLR failed to properly follow-up on Jonathan's increasingly anti-social  
19 behavior and continued to allow him to breach his less restrictive treatment.

20 24. In March of 2012, Jonathan's condition worsened. His threats became  
21 increasingly serious and violent. In response, his parents (Rob and Kim Meline) contacted  
22 CLR and expressed concern for their safety. However, CLR continued its do-nothing  
23 approach—despite Defendant Meline's worsening condition and increasingly violent

1 threats—and turned a blind eye to the concerns raised by Jonathan’s parents.

2       25. Defendant CLR did not conduct a proper follow-up evaluation into Jonathan’s  
3 worsening delusions, and CLR continued to permit Jonathan to miss medication appointments  
4 and receive delayed and inadequate treatment. Defendant CLR knew that Jonathan was  
5 receiving a dosage of antipsychotic medication that was less than any he had received while at  
6 WSH, and yet CLR failed to identify the link between the inadequate medication management  
7 and the fact that Jonathan was heading towards a potentially-deadly psychotic relapse. CLR’s  
8 lack of care and treatment left Jonathan’s parents alone and ill-equipped to deal with their  
9 paranoid schizophrenic son. CLR’s failures would eventually prove to be fatal.

10       26. On or around October 25, 2012, as a result of the inadequate care and  
11 treatment provided by Defendant CLR, Jonathan was suffering from delusions and brutally  
12 attacked and killed his father, Rob Meline, with a hatchet. Jonathan’s sister was in the house  
13 at the time and heard Jonathan yelling “die, die, die!” as he hacked away at his father. The  
14 sister begged for her life, but Jonathan calmly told her that he did not intend to kill her. The  
15 two walked to the police station together, where Jonathan openly explained what he had done  
16 and why.

17       27. Jonathan’s conduct was not the result of intentional conduct by Jonathan  
18 Meline, but rather a result of his untreated mental illness.

19       28. In the days and months leading up to this event, Defendant CLR had failed to  
20 ensure compliance with Jonathan’s medication regime and had failed to meet its responsibility  
21 for his treatment and care.

22       29. Not only were Jonathan’s threats towards his parents a breach of his  
23 conditional discharge, they should have alerted a reasonable clinician that Jonathan was not

1 receiving adequate dosages of antipsychotic medication. Without other medications, this  
2 dosage was less than Jonathan had ever received while detained at WSH.

3 30. CLR consistently failed to fulfill its responsibilities to properly treat Jonathan  
4 and protect others from harm. CLR failed to monitor Jonathan Meline's condition through  
5 proper follow-up evaluations and treatment; and, despite Jonathan's parents being the target  
6 of violent threats, CLR failed to treat Jonathan's worsening condition and failed to provide  
7 any alternative residences for him.

8 **VI. FIRST CAUSE OF ACTION – NEGLIGENCE BY CLR**

9 31. Defendant CLR owed a duty of reasonable care to Jonathan Meline and the  
10 foreseeable victims of his psychotic violence.

11 32. When Jonathan Meline was discharged to less restrictive treatment by  
12 Defendant CLR, CLR expressly assumed such a duty, including a duty to provide reasonable  
13 and appropriate care and treatment to Jonathan Meline.

14 33. Defendant CLR breached its duty by failing to provide adequate treatment,  
15 failing to properly monitor and assess Jonathan Meline, failing to properly medicate him, and  
16 failing to ensure compliance with the conditions of his discharge, among other things.

17 34. Defendant CLR breached its duty by failing to ensure that Jonathan Meline  
18 complied with the conditions of his less restrictive treatment, by allowing Jonathan Meline to  
19 regularly miss treatment appointments and receive delayed treatment, by failing to properly  
20 monitor his new, lower dose medication regimen, and/or by failing to act when it was made  
21 aware of Jonathan Meline's more frequent delusions and increasingly violent behavior, both  
22 of which constituted symptoms of relapse.

23 35. Defendant CLR breached its duty by failing to properly monitor and provide

1 follow-up treatment to Jonathan Meline when he violated the conditions of his less restrictive  
2 treatment by exhibiting increasingly violent threats and delusional behavior.

3 36. Defendant CLR breached its duty when it failed to properly evaluate and  
4 monitor Jonathan Meline after it was made aware by Jonathan's parents that he was making  
5 violent threats towards them with increasing frequency.

6 37. These and other failures by CLR constituted a breach of its duty of reasonable  
7 care.

8 38. As a direct and proximate result of these and other breaches, Rob Meline was  
9 killed in the most brutal fashion imaginable. Kim Meline lost her husband, and the couple's  
10 four children each lost their father. Mr. Meline's Estate and beneficiaries have therefore  
11 suffered general and special damages in an amount to be proven at trial.

## 12 **VII. SECOND CAUSE OF ACTION – GROSS NEGLIGENCE BY DSHS**

13 39. Defendant DSHS owed a duty of care to Jonathan Meline and the foreseeable  
14 victims of his psychotic violence.

15 40. Defendant DSHS breached its duty, and was grossly negligent, when it  
16 discharged Jonathan Meline into the community without conducting an assessment of his  
17 dangerousness, among other things.

18 41. Defendant DSHS breached its duty, and was grossly negligent, when it  
19 changed Jonathan Meline's medication regimen and then discharged him into the community  
20 without taking steps to ensure that his dosage was fixed at an appropriate and effective level,  
21 among other things.

22 42. Defendant DSHS breached its duty, and was grossly negligent, when it  
23 discharged Jonathan Meline without first observing him to assess whether he would exhibit

1 symptoms of a relapse, among other things.

2 43. Defendant DSHS breached its duty, and was grossly negligent, when it failed  
3 to inform Jonathan Meline's parents of the extreme danger posed by his misidentification  
4 syndrome ("Capgras"), which led him to believe that his parents were actually stepparent  
5 "imposters" who had murdered his "real parents," among other things.

6 44. Defendant DSHS breached its duty, and was grossly negligent, when it failed  
7 to inform Defendant CLR's treatment providers of Jonathan Meline's danger to his parents,  
8 his need for a dangerousness assessment by a CDMHP, and his need for close observation and  
9 monitoring of his medication regimen, among other things.

10 45. These and other failures by Defendant DSHS constituted gross negligence and  
11 a breach of its duty of reasonable care and even slight care.

12 46. As a direct and proximate result of these and other failures, the public was not  
13 protected. Rob Meline was killed in the most brutal fashion imaginable. Kim Meline lost her  
14 husband, and the couple's four children each lost their father. Mr. Meline's Estate and  
15 beneficiaries have therefore suffered general and special damages in an amount to be proven  
16 at trial.

17 **VIII. THIRD CAUSE OF ACTION – NEGLIGENCE BY**  
18 **JONATHAN MELINE**

19 47. Defendant Jonathan Meline owed a duty to exercise reasonable care.

20 48. He may have breached that duty by failing to notify others of his increasing  
21 delusions and/or by failing to submit to medication as prescribed. Such failure constituted a  
22 breach of his obligation of ordinary and reasonable care.

23 49. As a direct and proximate result of that breach, Plaintiffs sustained injury and

1 damage in an amount to be proven at trial.

2 **IX. PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiffs request a judgment against the Defendants:

- 4 (a) Awarding general and special damages in an amount to be proven at trial;
- 5 (b) Awarding reasonable attorneys' fees and costs;
- 6 (c) Awarding any and all applicable interest on the judgment;
- 7 (d) Declaring the defendants jointly and severally liable; and
- 8 (e) Awarding such other and further relief as the Court deems just and proper
- 9 under the circumstances of this case.

10 DATED this 21<sup>st</sup> day of October, 2014.

11 CONNELLY LAW OFFICES, PLLC

12  
13 By 

14 John R. Connelly, Jr., WSBA No. 12183  
15 Nathan P. Roberts, WSBA No. 40457  
16 *Attorneys for Plaintiffs*

# **EXHIBIT E**

SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

KIM MELINE, individually and as Personal  
Representative of the Estate of ROBERT  
MELINE;

Plaintiffs,

v.

COMPREHENSIVE LIFE RESOURCES f/k/a  
COMPREHENSIVE MENTAL HEALTH, a  
Washington Corporation; STATE OF  
WASHINGTON, DEPARTMENT OF SOCIAL  
AND HEALTH SERVICES; and JONATHAN  
MELINE, individually;

Defendants.

NO. 13-2-13022-5

**PLAINTIFFS' FIRST DISCOVERY TO  
DEFENDANT WA STATE DEPT. OF  
SOCIAL AND HEALTH SERVICES**

**WITH RESPONSES**

TO: DEFENDANT WA STATE DEPT. OF SOCIAL AND HEALTH SERVICES

AND TO: ITS ATTORNEYS

**DEFINITIONS AND PROCEDURES**

Time for Response: Your answers and objections, if any, must be served upon  
Plaintiffs' attorneys within the later of (a) thirty (30) days from the date of service of these  
interrogatories and requests for production upon you or (b) forty (40) days from the date of  
service of the summons and complaint upon you.

PLAINTIFFS' FIRST DISCOVERY TO DSHS - 1 of 17  
(Cause No. 13-2-13022-5)

**CONNELLY LAW OFFICES, PLLC**

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**INTERROGATORIES AND REQUESTS FOR PRODUCTION**

**INTERROGATORY NO. 1:** Identify each individual who may have knowledge of discoverable matters, identifying in your response the subject of the information possessed by each.

**OBJECTION:** Overly broad and unduly burdensome as this interrogatory is not limited in terms of time or to the issues in this case. Subject to and without waiving said objection:

**ANSWER:**

Melissa Dannelet, Ph.D. (8/27/2009 Outpatient evaluation)

**3<sup>rd</sup> Admission** (10/4/2010 - 5/19/2011)

Helmut Steinwender, M.D.

Roman Gleyzer, M.D.

Gregg Gagliardi, Ph.D

Claire Sauvagnat, Ph.D. intern (pg 01010779 - mentioned Jonathan met with members of his treatment team).

Deanna Carron, MSW

G. Dawson, LICSW

**4<sup>th</sup> Admission** (8/19/2011 - 1/12/2012)

William Ehlers, M.D.

Corazon Salvador, M.D.

Sandra Karlsvik, M.D.

Traci Drake, Ph.D.

Jeffrey Fong, Ph.D.

PLAINTIFFS' FIRST DISCOVERY TO DSHS - 3 of 17  
(Cause No. 13-2-13022-5)

**CONNELLY LAW OFFICES, PLLC**

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Tacoma, WA 98403  
(253) 593-5100 Phone - (253) 593-0380 Fax

1 Deanna Carron, MSW

2 Stephanie Waterman, MSW

3 Timothy Larson, LICSW

4 Kumiko Arocho, RN

5 Pamela Vigil, RN

6 Other healthcare providers' names are identified within the records. Also, witnesses will be  
7 disclosed in accordance with the Case Schedule Order. Discovery is ongoing, this answer  
8 may be supplemented.

9 **INTERROGATORY NO. 2:** Describe by category and location all documents, data  
10 compilations, and other tangible things in your possession, custody, or control that relate to  
11 the claims and/or defenses in this matter.

12 **OBJECTION:** Overly broad and unduly burdensome as this interrogatory is not limited in  
13 terms of time or to the issues in this case. Subject to and without waiving said objection:

14 **ANSWER:** Subject to the terms of the Court's Protective Order dated June 5, 2015, see  
15 responses to Request for Production 11 and 17 that were produced on June 18, 2015. Also,  
16 plaintiffs provided medical records that were produced by WSH and CLR via Court's  
17 Protective Order dated February 14, 2014. This interrogatory will be supplemented as  
18 appropriate.

19 **REQUEST FOR PRODUCTION NO. 1:** Produce for inspection and copying all  
20 documents, data compilations, and other tangible things identified in your answer to the  
21 preceding Interrogatory.

22 **RESPONSE:** Subject to the terms of the Court's Protective Order dated June 5, 2015, see  
23 answer to Interrogatory No. 2.

PLAINTIFFS' FIRST DISCOVERY TO DSHS - 4 of 17  
(Cause No. 13-2-13022-5)

**CONNELLY LAW OFFICES, PLLC**  
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Tacoma, WA 98403  
(253) 593-5100 Phone - (253) 593-0380 Fax

1 **REQUEST FOR PRODUCTION NO. 7:** Produce for inspection and copying the personnel  
 2 files, including training records, of the individuals identified in your response to the preceding  
 3 interrogatory.

4 **OBJECTION:** Defendants objects to the blanket request for production of all personnel  
 5 files. Such a fishing expedition is not supported by Washington law. The Washington State  
 6 Constitution, statutes governing public records disclosures, and case law all recognize the  
 7 importance of an individual's right to privacy. The Courts have carefully considered the  
 8 balance between these privacy rights and the right to discovery under CR 26, and have  
 9 discussed that generic requests for personnel files are "presumed highly offensive" and an  
 10 "invasion of privacy." *See Dawson v. Daly*, 120 Wn.2d 782, 845 P.2d 995 (1995), *Beltran v.*  
 11 *DSHS*, 98 Wn. App. 245, 989 P.2d 604 (Div I. 1999). *See also* RCW 42.17, et seq.

12 **RESPONSE:** The State of Washington, Department of Social and Health Services does not  
 13 have personnel files for Comprehensive Life Resources' personnel.

14 **INTERROGATORY NO. 9:** Identify by name, address, phone number, employer, and job  
 15 title any and all physicians, nurses, staff, and other employees or persons who were  
 16 responsible for Jonathan Meline's final assessment upon discharge.

17 **OBJECTION:** Vague and ambiguous as to "discharge," as there is no time specified. Given  
 18 the facts of this case, defendants assume that plaintiffs refer to the discharge from Western  
 19 State, under RCW 71.05, in January 2012. Subject to and without waiving said objection:

20 **ANSWER:** See the WSH records produced in response to Request for Production No. 11.  
 21 The evaluation/treatment team included Jeffrey Fong, Ph.D., Traci Drake, Ph.D., Sandra  
 22 Kralsvik, M.D., Stephanie Waterman, MSW, Timothy Larson, LICSW, Kumiko Arocho, RN,  
 23 and Pamela Vigil, RN.

1 447, 471-75, 105 P.3d 278 (2005). Subject to and without waiving the foregoing objections, see  
 2 this Defendants' Answer. Furthermore, discovery is ongoing. Plaintiff's Complaint alleges  
 3 negligence against multiple defendants. Pursuant to RCW 4.22.070, these Defendants reserve the  
 4 right for the jury to apportion damages among all at fault parties. This answer will be  
 5 supplemented as necessary after further investigation and discovery. Additionally, Jonathan  
 6 Meline murdered Robert Meline and is therefore considered an intentional tortfeasor under  
 7 Washington Law.

8 **INTERROGATORY NO. 13:** Please set forth a short and plain statement of the facts  
 9 supporting your answer to the preceding interrogatory.

10 **ANSWER:** Jonathan Meline confessed to murdering Robert Meline.

11 **REQUEST FOR PRODUCTION NO. 11:** Please produce a complete and accurate copy of  
 12 Western State Hospital's medical file for Jonathan Meline.

13 **RESPONSE:** The following medical records were produced to Plaintiffs on Jun 18, 2015:

14 Meline v. State 01010001-169 - Admission 1 - 12/15/2004 - 1/11/2005

15 Meline v. State 01010170-477 - Admission 2 - 3/17/2006 - 5/16/2007

16 Meline v. State 01010478-898 - Admission 3 - 10/4/2010 - 5/19/2011

17 Meline v. State 01010899-1285 - Admission 4 - 8/19/2011 - 1/12/2012

18 Meline v. State 01011286-1437 - Admission 5 - 12/3/2012 - 2/11/2013

19 Meline v. State 01011438-1613 - Admission 6 - 6/12/2014 - present

20 Meline v. State 01011615 - 1642 - Medication Administration

21 Meline v. State 01011693 -1787 - WSH outpatient records.

22 Meline v. State 01020001 - 011 and 01020023 - 032 CFS Forensic Psych Evaluations  
 23 by Dr. Hutchins and Dr. Bain.

1 **REQUEST FOR PRODUCTION NO. 16:** Produce for inspection and copying all  
 2 documents, data compilations, and other tangible things that support your affirmative  
 3 defenses.

4 **RESPONSE:** See answer to Interrogatory No. 17.  
 5

6 **REQUEST FOR PRODUCTION NO. 17:** Produce any and all items of correspondence,  
 7 memoranda, and electronic mail messages (in native format), sent or received by any current  
 8 or former employee of DSHS, that discuss or pertain to Jonathan Meline, the incident that is  
 9 the subject of this lawsuit, or that contain the word "Meline."

10 **RESPONSE:** The following emails from and to Jonathan Meline's treatment providers were  
 11 produced to Plaintiffs on Jun 18, 2015, pursuant to Sally Leighton's conversation with Nathan  
 12 Roberts: Meline v. State 01030001 - 01030177 (search Meline) and 01030178 - 01031472  
 13 (search Jonathan Meline) excluding documents listed on the Privilege Log. Additional emails  
 14 between Mr. Meline's treatment providers going back to 2009 have been requested.  
 15 Defendant will supplement this Request for Production.  
 16

17 **INTERROGATORY NO. 18:** Describe the methodology used to identify and retrieve the  
 18 items of correspondence, memoranda, and electronic mail messages requested in the previous  
 19 request for production.

20 **ANSWER:** As discussed with attorney Nathan Roberts Defendants searched using keywords  
 21 in emails containing "Jonathan \* Meline" "Jonathan Meline" "Meline Jonathan" and to/from  
 22 Traci Drake, Melissa Dannelet, Jeffrey Fong, Gregg Gagliardi, William Ehlers, Corazon  
 23

1 Salvador, Sandra Karlsvik, Timothy Larson, Stephanie Waterman, Deanna Carron, and  
 2 Roman Gleyzer. Date Range: 8/1/2011 -4/6/2015.

3 Keywords in emails containing Meline (not found by the first search) and to/from Traci  
 4 Drake, Melissa Dannelet, Jeffrey Fong, Gregg Gagliardi, William Ehlers, Corazon Salvador,  
 5 Sandra Karlsvik, Timothy Larson, Stephanie Waterman, Deanna Carron, and Roman Gleyzer.  
 6 Date Range: 8/1/2011 -4/6/2015.

7 **REQUEST FOR PRODUCTION NO. 18:** For any and all documents or other materials  
 8 that are in any way responsive to the foregoing requests for production, but which are being  
 9 withheld under claim of privilege, produce a privilege log. *See Cedell v. Farmers Ins. Co. of*  
 10 *Washington*, 176 Wn.2d 686, 695-96, 295 P.3d 239 (2013).

11 **RESPONSE:** A privilege log was produced on June 18, 2015 with Request for Production  
 12 Nos. 11 and 17.

13 DATED this 25<sup>th</sup> day of March, 2015.

14 CONNELLY LAW OFFICES, PLLC

15  
 16 By Nathan P. Roberts

17 John R. Connelly, Jr., WSBA No. 12183

18 Nathan P. Roberts, WSBA No. 40457

19 Attorneys for Plaintiff

# **EXHIBIT F**

E-FILED  
IN COUNTY CLERK'S OFFICE  
PIERCE COUNTY, WASHINGTON

August 10 2015 10:47 AM

The Honorable Katherine M. Stolz

Trial: 01/10/2016  
KEVIN STOCK  
COUNTY CLERK

NO: 13-2-13022-5

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

KIM MELINE, individually and as Personal  
Representative of the Estate of ROBERT  
MELINE,

Plaintiffs,

v.

COMPREHENSIVE LIFE RESOURCES f/k/a  
COMPREHENSIVE MENTAL HEALTH, a  
Washington Corporation; STATE OF  
WASHINGTON, DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES; and  
JONATHAN MELINE, individually,

Defendants.

Cause No: 13-2-13022-5

**DEFENDANTS STATE OF  
WASHINGTON, DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES'  
DISCLOSURE OF PRIMARY  
WITNESSES**

COME NOW the Defendants State of Washington and Department of Social and Health  
Services, by and through their attorneys of record, and pursuant to PCLR 26(b) submits the  
following disclosure of primary witnesses. This disclosure is being offered by counsel and  
may be modified or corrected following depositions of the witnesses.

DEFENDANTS STATE OF WASHINGTON,  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES'  
DISCLOSURE OF PRIMARY WITNESSES  
Page 1 of 10

**FITZER, LEIGHTON &  
FITZER, P.S.**

ATTORNEYS AT LAW  
1102 BROADWAY, SUITE 401  
TACOMA, WASHINGTON 98402-3526  
(253) 572-5324 FAX (253) 627-8928



1 I. PARTIES

2 1. Kim Meline, Plaintiff  
 3 c/o Jack Connelly and  
 4 Nathan Roberts  
 5 2301 North 30th Street  
 6 Tacoma, WA 98403  
 7 (253) 593-5100

8 It is anticipated Kim Meline will testify regarding the facts and circumstances of her  
 9 allegations against defendants, her alleged injuries, her treatment and damages. Furthermore,  
 10 she is expected to testify regarding her psychological injury as a result of the stresses caused  
 11 by the alleged injuries.

12 2. State of Washington and Department of  
 13 Social and Health Services, Defendants  
 14 c/o Sally B. Leighton  
 15 Fitzer Leighton & Fitzer, P.S.  
 16 1102 Broadway, Suite 401  
 17 Tacoma, WA 98402  
 18 (253) 683-4511

19 State of Washington and Department of Social and Health employees, including  
 20 Western State Hospital's physicians, psychologists, psychiatrists, social workers, nurses,  
 21 technicians and other staff, officers, medical directors, managers and/or records custodians,  
 22 which may include Melissa Dannelet, Ph.D., Helmut Steinwender, M.D., Roman Gleyzer,  
 23 M.D., Gregg Gagliardi, Ph.D., Claire Sauvagnat, Ph.D., Deanna Carron, MSW, G. Dawson,  
 24 LICSW, William Ehlers, M.D., Corazon Salvador, M.D., Sandra Karlsvik, M.D., Traci Drake,  
 25 Ph.D., Jeffrey Fong, Ph.D., Deanna Carron, MSW, Stephanie Waterman, MSW, Timothy  
 Larson, LICSW, Kumiko Arocho, RN, and Pamela Vigil, RN may be called to testify  
 regarding the allegations contained in the Complaint, the care and treatment provided to  
 Jonathan Meline and other matters known or reasonably available to the organization that are  
 relevant to this lawsuit. These individuals may also be called to testify regarding, State of

DEFENDANTS STATE OF WASHINGTON,  
 DEPARTMENT OF SOCIAL AND HEALTH SERVICES'  
 DISCLOSURE OF PRIMARY WITNESSES  
 Page 2 of 10

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 1102 BROADWAY, SUITE 401  
 TACOMA, WASHINGTON 98402-3526  
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1 Washington, Department of Social and Health and Western State Hospital's policies,  
 2 procedures and practices relevant to the issues in this case and other matters within the scope  
 3 of their knowledge, expertise and experience that are relevant to this lawsuit.

4 3. Comprehensive Life Resources f/k/a Comprehensive  
 5 Mental Health, Defendant  
 6 c/o Christopher W. Keay  
 7 and Katherine Bozzo  
 8 2115 North 30th Street, Suite 101  
 9 Tacoma WA 98403  
 10 (253) 572-5323

11 Comprehensive Life Resources' employees, including physicians, psychologist,  
 12 psychiatrist, social worker, counsellors, nurses, technicians and other staff, officers, medical  
 13 directors, managers and/or records custodians, which may include Devin Shoquist, M.D.,  
 14 Dixie Sanders-Ross, ACBSW, Joyanne, Russell, HS, , Barbara Cook-Gordon, AA, Karen  
 15 Ramsauer-Coleman, BA, and John Eckstrom, B.S. may be called to testify regarding the  
 16 allegations contained in the Complaint, the care and treatment provided to Jonathan Meline  
 17 and other matters known or reasonably available to the organization that are relevant to this  
 18 lawsuit. These individuals may also be called to testify regarding Comprehensive Life  
 19 Resources' policies, procedures and practices relevant to the issues in this case and other  
 20 matters within the scope of their knowledge, expertise and experience that are relevant to this  
 21 lawsuit.

## 22 II. LAY WITNESSES

23 The following lay witnesses may have knowledge as to the investigation, facts and  
 24 circumstances of the alleged incident, their observations of Jonathan, Kim and Robert Meline  
 25 and other matters, including liability and damages.

DEFENDANTS STATE OF WASHINGTON,  
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# **EXHIBIT G**

E-FILED  
IN COUNTY CLERK'S OFFICE  
PIERCE COUNTY, WASHINGTON

November 14 2014 1:09 PM

THE HONORABLE ELIZABETH MARSHALL  
COUNTY CLERK  
NO. 13-2-13022-5

STATE OF WASHINGTON  
PIERCE COUNTY SUPERIOR COURT

KIM MELINE, individually and as  
Personal Representative of the Estate of  
ROBERT MELINE,

Plaintiffs,

v.

COMPREHENSIVE LIFE  
RESOURCES f/k/a  
COMPREHENSIVE MENTAL  
HEALTH, a Washington Corporation;  
STATE OF WASHINGTON,  
DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES; and  
JONATHAN MELINE, individually,

Defendants.

NO. 13-2-13022-5

DEFENDANT STATE OF  
WASHINGTON, DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES'  
ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS'  
SECOND AMENDED COMPLAINT

Defendant, State of Washington, Department of Social and Health Services (State), in  
answer to plaintiffs' second amended complaint admits, denies, and alleges as follows:

I. PARTIES

1. Defendant State is without knowledge or information sufficient to form a belief as  
to the truth of the allegations contained in paragraph 1 and, therefore, denies the same.

2. Defendant State is without knowledge or information sufficient to form a belief as  
to the truth of the allegations contained in paragraph 2 and, therefore, denies the same.

DEFENDANT STATE OF  
WASHINGTON, DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES'  
ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS' SECOND  
AMENDED COMPLAINT

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ATTORNEY GENERAL OF WASHINGTON  
Torts Division  
7141 Cleanwater Drive SW  
PO Box 40126  
Olympia, WA 98504-0126  
(360) 586-6300

**VI. SECOND CAUSE OF ACTION – GROSS NEGLIGENCE BY DSHS**

39. Defendant State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 and, therefore, denies the same.

40. Defendant State denies the same.

41. Defendant State denies the same.

42. Defendant State denies the same.

43. Defendant State denies the same.

44. Defendant State denies the same.

45. Defendant State denies the same.

46. Defendant State denies the same.

**VII. THIRD CAUSE OF ACTION – NEGLIGENCE BY JONATHAN MELINE**

47. Defendant State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 and, therefore, denies the same.

48. Defendant State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48 and, therefore, denies the same.

49. Defendant State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49 and, therefore, denies the same.

**VIII. AFFIRMATIVE DEFENSES**

50. By Way of FURTHER ANSWER and AS AN AFFIRMATIVE DEFENSE, the Defendant State alleges that the plaintiffs' second amended complaint fails to state claim against the Defendant State upon which relief can be granted.

51. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE DEFENSE, the Defendant State alleges that at all times relevant herein that DSHS and its officers, employees, and agents acted with good faith.

DEFENDANT STATE OF  
WASHINGTON, DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES'  
ANSWER AND AFFIRMATIVE  
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AMENDED COMPLAINT

1           52. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
2 DEFENSE, the Defendant State alleges that it is exempt from liability pursuant to RCW  
3 71.05.120.

4           53. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
5 DEFENSE, the Defendant State alleges that the plaintiffs may have failed to join all necessary  
6 parties under CR 19.

7           54. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
8 DEFENSE, the Defendant State alleges that the injuries and damages, if any, claimed by the  
9 plaintiffs were proximately caused or contributed to by the fault of plaintiffs as defined by RCW  
10 4.22.015.

11           55. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
12 DEFENSE, the Defendant State alleges that the plaintiffs' injuries/damages, if any, were caused  
13 by intentional conduct of Jonathan Meline. The damages caused by the intentional conduct must  
14 be segregated from injuries/damages allegedly caused by the intentional conduct of Jonathan  
15 Meline pursuant to *Tegman v. Accident & Medical Investigations, Inc.*, 150 Wn.2d 102, 75 P.3d  
16 497 (2003).

17           56. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
18 DEFENSE, the Defendant State alleges that the injuries and/or damages being claimed were  
19 proximately caused by the fault of a party for whom this defendant is not responsible.

20           57. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
21 DEFENSE, the Defendant State alleges that all actions of the defendant, State of Washington,  
22 herein alleged as negligence, manifest a reasonable exercise of judgment and discretion by  
23 authorized public officials made in the exercise of governmental authority entrusted to them by  
24 law and are neither tortious nor actionable.

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26  
DEFENDANT STATE OF  
WASHINGTON, DEPARTMENT OF  
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7

ATTORNEY GENERAL OF WASHINGTON  
Torts Division  
7141 Cleanwater Drive SW  
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(360) 586-6300

1           58. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
2 DEFENSE, the Defendant State alleges that the injuries and damages, if any, claimed by the  
3 plaintiffs herein, arise out of a condition of which plaintiffs/decedent had knowledge and to which  
4 plaintiffs/decedent voluntarily subjected themselves thereby assuming the risk of harm.

5           59. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
6 DEFENSE, the Defendant State alleges that the injuries and damages, if any, claimed by the  
7 plaintiffs were proximately caused or contributed to by the fault of nonparties over whom the  
8 defendant had no direct control or responsibility over, which nonparties are believed to be United  
9 Behavioral, Inc. and/or Optum Health Care Solutions, Inc.

10           60. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
11 DEFENSE, the Defendant State alleges that the plaintiffs' second amended complaint, inasmuch  
12 as it is based upon the alleged professional negligence of health care professionals, requires that  
13 the provisions of RCW 7.70, et seq. apply herein.

14           61. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
15 DEFENSE, the Defendant State alleges that the plaintiffs' claims are subject to and may be  
16 limited by RCW 4.20 et seq.

17           62. By Way of FURTHER ANSWER and AS AN ADDITIONAL AFFIRMATIVE  
18 DEFENSE, the Defendant State reserves the right to include additional affirmative defenses, file  
19 cross-claims, counter-claims, and third party complaints as further facts and information become  
20 known and available through the course of this litigation.

#### 21                           IX. PRAYER FOR RELIEF

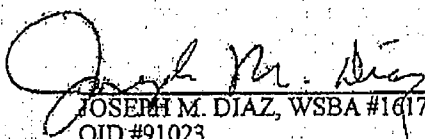
22           WHEREFORE, Defendant State prays that plaintiffs' second amended complaint be  
23 dismissed with prejudice as to the State of Washington/DSHS and that plaintiffs take nothing by  
24 and that Defendant State be allowed its costs and reasonable attorney fees herein pursuant to all  
25

26  
DEFENDANT STATE OF  
WASHINGTON, DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES'  
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1 pursuant to all applicable state law, including but not limited to RCW 4.84.010, RCW 4.84.185,  
2 and RCW 7.70.160.

3 DATED this 14<sup>th</sup> day of November, 2014.

4 ROBERT M. FERGUSON  
5 Attorney General

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7   
8 JOSEPH M. DIAZ, WSBA #16170  
9 OID #91023  
10 Assistant Attorneys General  
11 Attorneys for Defendant State  
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DEFENDANT STATE OF  
WASHINGTON, DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES'  
ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS' SECOND  
AMENDED COMPLAINT